

Message Text

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ACTION SNM-05

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FM AMEMBASSY VICTORIA
TO SECSTATE WASHDC 1079

UNCLAS VICTORIA 0768

E.O. 11652: N/A
TAGS: SNAR, SE
SUBJECT: NARCOTICS LAWS

REF: STATE 170187

IN RESPONSE TO REFTEL, FOLLOWING INFORMATION IS PROVIDED ON
SEYCHELLES' NARCOTICS LAWS. INFORMATION HAS BEEN OBTAINED
FROM THE ATTORNEY GENERAL AND IS CURRENT. RESPONSES ARE
KEYED TO PARA 2 REFTEL:

(1)(A) DIFFERENTIATION MADE BETWEEN POSSESSION OF (A) RAW
OPIUM, COCALEAVES, CANNABIS AND CANNABIS RESIN; (B) PREPARED
OPIUM; (C) OTHER DANGEROUS DRUGS. MAXIMUM PENALTY FOR ALL IS
FINE OF US DOLS ABOUT 15,000 AND IMPRISONMENT FOR 10 YEARS.

(B) NO.

(C) SAME STATUTORY MAXIMUM. HIGHER SENTENCE GIVEN BY COURTS
FOR SELLING.

(2)(A)(A) SEPARATE OFFENSES OF BUYING, SELLING, SUPPLYING,
PROCURING, OR DISTRIBUTING, OR OFFERING TO DO ANY OF ABOVE FOR
DRUGS IN (1)(A)(A) ABOVE;

(B) SEPARATE OFFENSES OF IMPORTING, EXPORTING, SELLING OR
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OTHERWISE DEALING WITH PREPARED OPIUM;

(C) SEPARATE OFFENSES OF (I) EXPORTING; (II) IF NOT FOR
MEDICAL PURPOSES IMPORTING, BUYING, SELLING, SUPPLYING,
PROCURING OR DISTRIBUTING OR OFFERING TO BUY, SELL, SUPPLY,
PROCURE OR DISTRIBUTE DRUGS IN (1)(A)(C) ABOVE.

(B) MAXIMUM PENALTY AS ABOVE. NO STATUTORY MINIMUM. COURTS ALWAYS SENTENCE TO IMPRISONMENT UNLESS SPECIAL CIRCUMSTANCES. BAIL USUALLY GRANTED TILL SENTENCING.

(C) NOT APPLICABLE.

(D) NO SPECIFIC CRIMINAL OFFENSE. WOULD BE CONSPIRACY UNDER GENERAL CRIMINAL LAW.

(3)(A) YES. MAXIMUM PENALTY AS ABOVE.

(B) NOT APPLICABLE.

(C) OFFENSE TO MANUFACTURE PREPARED OPIUM. SAME PENALTY AS ABOVE.

(4)(A) NO SPECIFIC OFFENSE. NOT RELEVANT IN SEYCHELLES. COULD BE CHARGED WITH SAME OFFENSE AS WOULD BE AIDING AND ABETTING.

(B) NO.

(5)(A) NO. ARRESTED PERSON MUST BE AND IS BROUGHT TO COURT WITHOUT UNDUE DELAY. CONSULAR ACCESS PERMITTED. EMBASSY NOTIFIED OF ARREST.

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(B) VARIES, 2 MONTHS, OUTSIDE LIMIT. BAIL USUALLY GRANTED.

(C) DEPENDS ON CASE. APPEAL TO SUPREME COURT FROM MAGISTRATE'S COURT HEARD WITHIN FEW WEEKS, FURTHER APPEAL TO COURT OF APPEAL WITHIN FEW MONTHS.

(D) LEGAL AID NOT AVAILABLE FOR TRIALS IN MAGISTRATE'S COURT, INCLUDES DRUG CASES. LAWYERS ADEQUATE, USUAL FEE NOT KNOWN.

(E) PROVISIONS FOR CONDITIONAL DISCHARGE, PROBATION OR SUSPENDED SENTENCES. UNUSUAL IN DRUG CASES.

(F) YES, AFTER SERVING SENTENCE. MATTSON

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